

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

Charles Collins, et al., individually and on behalf of a class of all others similarly situated,

Plaintiffs,

v.

City of Milwaukee, et al.,

Defendants.

Case No. 17-CV-00234-JPS

PLAINTIFFS' MOTION TO
FILE EXHIBITS UNDER
SEAL PURSUANT TO
GENERAL L. R. 79(d)

Plaintiffs, by and through counsel, hereby move this Court, pursuant to General Local Rule 79(d), to seal Exhibits D, E, F, G, and H, attached to the Declaration of Shanya Dingle in support of Plaintiffs' Response to Defendants' Motion for Entry of a Protective Order Pursuant to Local Rule 7(h) and Federal Rule of Civil Procedure 26(c) (Dkt. 51).

All five exhibits are internal documents of the Milwaukee Police Department ("MPD"), containing detailed information about criminal activity in Milwaukee, including thefts, burglaries, assaults, and sex crimes. These accounts include descriptions of the alleged crimes, as well as the names, social security numbers, addresses, and dates of birth of suspects, victims, juveniles, and witnesses. The individuals identified in these documents have no involvement in the instant case. Public release of their personally-identifying information and highly sensitive facts surrounding criminal activity could be extremely damaging to them. In recognition of these concerns, Defendants have designated four of the five documents (Exhibits D, E, F, and G) as "Confidential" under the Court's Protective Order (Dkt. 22). There is good cause to seal the exhibits because the individuals' privacy interests significantly outweigh the public interest in

these documents, and the personally-identifying information included therein has no bearing on the merits of the instant case. *See Cole v. Janssen Pharmaceuticals, Inc.*, Case No. 15-CV-57, 2017 WL 2929523, at *3 (E.D. Wis. Jul. 10, 2017) (granting motion to seal plaintiff's personally identifiable and sensitive medical information that was largely immaterial to the facts of the case); *Citizens First Nat. Bank of Princeton v. Cincinnati Ins. Co.*, 178 F.3d 943, 945 (7th Cir. 1999) (requiring "good cause" for sealing of court records).

In accordance with General Local Rule 79(d), Plaintiffs respectfully request that these materials be filed under seal. Defendants have provided their consent to Plaintiffs' motion, and a certification pursuant to General Local Rule 79(d)(4) is attached.

Dated this 27th day of September, 2017.

Respectfully submitted,

/s/ Shanya Dingle
SHANYA DINGLE
D.C. Bar No. 1035007
ANTHONY HERMAN
D.C. Bar No. 424643
JON-MICHAEL DOUGHERTY
D.C. Bar No. 1032660
JUSTIN GOLART
D.C. Bar No. 1046739
KERREL MURRAY
VA State Bar No. 87844
JESSICA JENSEN
CA State Bar No. 308820
HWA YOUNG JIN
D.C. Bar No. 1044165
Attorneys for Plaintiffs

Covington & Burling LLP
850 Tenth Street NW
Washington, DC 20001
Telephone: (202) 662-6000
Fax: (202) 662-6291

sdingle@cov.com
aherman@cov.com
jdougherty@cov.com
jgolart@cov.com
kmurray@cov.com
jjensen@cov.com
hjin@cov.com

NUSRAT J. CHOUDHURY
N.Y. State Bar No. 4538302
JASON D. WILLIAMSON
N.Y. State Bar No. 4645529
Attorneys for Plaintiffs

American Civil Liberties Union Foundation, Inc.
125 Broad Street, 18th Floor
New York, NY 10004
Telephone: (212) 549-2500
Fax: (212) 549-2654
jwilliamson@aclu.org
nchoudhury@aclu.org

KARYN L. ROTKER
WI State Bar No. 1007719
LAURENCE J. DUPUIS
WI State Bar No. 1029261
Attorneys for Plaintiffs

American Civil Liberties Union of Wisconsin
Foundation
207 East Buffalo Street, Suite 325
Milwaukee, WI 53202
Telephone: (414) 272-4032
Fax: (414) 272-0182
krotker@aclu-wi.org
ldupuis@aclu-wi.org

**CERTIFICATION
PURSUANT TO GENERAL L. R. 79(d)(4)**

Pursuant to General Local Rule 79(d)(4), on September 26, 2017, counsel for Plaintiffs and Defendants conferred in a good-faith attempt to limit the scope of the materials subject to sealing.

Dated: September 27, 2017

Respectfully submitted,

s/ Shanya Dingle
Shanya Dingle